IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 4380 OF 1995

Union Bank of India. ...Plaintiffs
V/s.
M/s.Nikita Garments & Ors. ...Defendants

Mr.A.P. Rege for Plaintiffs.
None for Defendants.

CORAM : A.S. AGUIAR, J.
DATED : SEPTEMBER 29, 2005

P.C. :-

. Mr.Rege appears for the plaintiffs. None for the defendants. By order dated 25th February, 2004, suit so far as defendants no.2,4,5 and 6 are concerned, transferred to the list of Undefended Suits. The said defendants have not filed written statement. By the said order, the suit as far as defendants no.1 and 3 are concerned, was adjourned for a week for service upon the said defendants. Subsequently, by order dated 24th March, 2004, since defendants no.1 and 3 are served and no written statement has been filed by the said defendants, suit as against them is also transferred to the list of Undefended suits.

2. Since defendant no.2 has expired, plaintiffs have taken out appropriate proceedings for bringing the heirs of the defendant on record. Said heirs accordingly have been brought on record. The said defendants have been served with the writ of summons. Affidavit dated 21st September, 2005 proving service of writ of summons upon the defendants taken on record.

3. Since the defendants have been served and no written statement filed on behalf of them, there shall be decree against the said defendants in favour of the plaintiffs under Order VIII Rule 10 of CPC in terms of prayer clauses (a), (b) and (c). No order as to costs. Suit to stand disposed of.

. Certified copy expedited.

(A.S. Aguiar, J.)